

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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NATS EMPEROR SHIPPING LIMITED,	:	<b>ECF</b>
	:	<b>REPLY DECLARATION</b>
Plaintiff,	:	<b>IN ACCORDANCE WITH</b>
	:	<b><u>28 U.S.C. § 1746</u></b>
v.	:	<b>08 Civ. 3763 (BSJ)</b>
	:	
HAWKNET LIMITED and BROBULK	:	
LIMITED,	:	
	:	
Defendants.	:	
-----X		

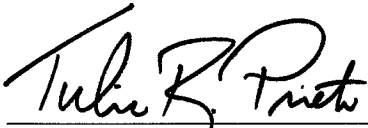
Tulio R. Prieto, declares, under penalty of perjury, as follows:

1. I am admitted to the Bar of this Court, am a member of Cardillo & Corbett, attorneys for defendant, Brobulk Limited ("Brobulk") and submit this declaration in reply to the answering papers submitted by Nats Emperor Shipping Limited ("Nats Emperor") and in further support of Brobulk's motion to vacate the attachment obtained by plaintiff, of its funds in transit through New York intermediary banks and the order directing the attachment of its funds.

2. Attached hereto as Exhibits A- E are the docket sheets for each of the actions listed at page 5 of Nats Emperor's Memorandum in Opposition. The docket sheets show that no case was filed earlier that April 10, 2008, and that the earliest Order of Maritime Attachment was issued on April 15, 2008.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York  
May 13, 2008

  
Tulio R. Prieto (TP 8455)

# EXHIBIT

# A

ECF

**U.S. District Court**  
**United States District Court for the Southern District of New York (Foley Square)**  
**CIVIL DOCKET FOR CASE #: 1:08-cv-03512-RMB**

Mac Navigation LTD v. Hawknet Ltd.  
Assigned to: Judge Richard M. Berman  
Demand: \$9,999,000  
Cause: 28:1333 Admiralty

Date Filed: 04/10/2008  
Jury Demand: None  
Nature of Suit: 120 Contract: Marine  
Jurisdiction: Federal Question

**Plaintiff****Mac Navigation LTD**

represented by **Peter Judge Gutowski**  
Freehill, Hogan & Mahar, LLP  
80 Pine Street  
New York, NY 10005  
212-425-1900  
Fax: 212 425-1901  
Email: Gutowski@freehill.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant****Hawknet Ltd.**

Date Filed	#	Docket Text
04/10/2008	<u>1</u>	COMPLAINT against Hawknet Ltd.. (Filing Fee \$ 350.00, Receipt Number 647293) Document filed by Mac Navigation LTD.(rdz) (mbe). (Entered: 04/14/2008)
04/10/2008		SUMMONS ISSUED as to Hawknet Ltd.. (rdz) (Entered: 04/14/2008)
04/10/2008		Magistrate Judge James C. Francis IV is so designated. (rdz) (Entered: 04/14/2008)
04/10/2008		Case Designated ECF. (rdz) (Entered: 04/14/2008)
04/10/2008	<u>2</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Mac Navigation LTD.(rdz) (mbe). (Entered: 04/14/2008)
04/14/2008	<u>5</u>	AMENDED COMPLAINT amending <u>1</u> Complaint against Hawknet Ltd. Document filed by Mac Navigation LTD. Related document: <u>1</u> Complaint filed by Mac Navigation LTD. (Attachments: # <u>1</u> Exhibit, # <u>2</u>

		Exhibit)(dle) (Additional attachment(s) added on 4/16/2008: # <u>3</u> Exhibit EXHIBIT A PART 2) (dle). (Entered: 04/16/2008)
04/15/2008	<u>3</u>	DECLARATION of VRONTAKIS in Support. Document filed by Mac Navigation LTD. (Attachments: # <u>1</u> Exhibit Ex. A Part One, # <u>2</u> Exhibit Ex. A Part Two, # <u>3</u> Exhibit Ex. A Part Three, # <u>4</u> Exhibit Ex. B&C) (Gutowski, Peter) (Entered: 04/15/2008)
04/15/2008	<u>4</u>	EX PARTE ORDER FOR PROCESS OF MARITIME ATTACHMENT that Process of Maritime Attachment and Garnishment shall issue against all tangible or intangible property belonging to, claimed by or being held for the Defendant by any garnishees within this District, including but not limited to, Bank of America, Bank of New York, Citibank, HSBC Bank USA NA, J.P., Morgan Chase, Standard Chartered Bank, Wachovia Bank N.A., Deutsche Bank AG, ABN AMRO Bank N.V., American Express Bank Ltd., Mellon Bank and/or UBS, in the amount of \$755,508.00 pursuant to Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure. Any person claiming an interest in the property attached or garnished pursuant to said Order shall, upon application to the Court, be entitled to a prompt hearing at which the Plaintiff shall be required to show cause why the attachment and garnishment should not be vacated or other relief granted. Supplemental process enforcing the Court's Order may be issued by the Clerk upon application without further Order of the Court. A copy of this Order shall be attached to and served with said Process of Maritime Attachment and Garnishment. Pursuant to Federal Rule of Civil Procedure 5(b)(2)(D), each garnishee may consent, in writing,, to accept service by any other means; a copy of this Order shall be attached to and served with the said Process of Maritime Attachment and Garnishment. Barbara G. Carnevale, Robert Rideno8ur, Joan Sorrentino, Christina Gargano, or any other partner, associate, paralegal or other agent of Freehill Hogan & Mahar LLP be and is hereby appointed, in addition to the United States Marshal, to serve the Amended Process of Attachment and Garnishment and the Amended Verified Complaint, together with a copy of this Order and any Interrogatories, upon any garnishee named in the Process, together with any other garnishee(s) who (based upon information developed subsequent hereto by the Plaintiff) may hold assets of, for, or on behalf of the Defendant. (Signed by Judge Richard M. Berman on 4/15/08) (dj) (Entered: 04/15/2008)
04/15/2008		MARITIME ATTACHMENT AND GARNISHMENT ISSUED as to Hawknet Ltd. on 4/15/08 in the amount of \$2,639,764. (dj) (Entered: 04/16/2008)

<b>PACER Service Center</b>			
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<b>Billable Pages:</b>	2	<b>Cost:</b>	0.16

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# EXHIBIT

# B

ECF

**U.S. District Court**  
**United States District Court for the Southern District of New York (Foley Square)**  
**CIVIL DOCKET FOR CASE #: 1:08-cv-03615-DAB**

Bridge Oil Ltd. et al v. Hawknet Limited  
Assigned to: Judge Deborah A. Batts  
Demand: \$800,000  
Cause: 28:1333 Admiralty

Date Filed: 04/15/2008  
Jury Demand: None  
Nature of Suit: 120 Contract: Marine  
Jurisdiction: Federal Question

**Plaintiff****Bridge Oil Ltd.**

represented by **Thomas Hunt Belknap, Jr**  
Blank Rome LLP  
The Chrysler Building  
405 Lexington Avenue  
New York, NY 10174  
(212) 885-5000  
Fax: 212-885-5001  
Email: tbelknap@blankrome.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Plaintiff****Bridge Oile (UK) LTD.**

represented by **Thomas Hunt Belknap, Jr**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant****Hawknet Limited**

Date Filed	#	Docket Text
04/15/2008	<u>1</u>	COMPLAINT against Hawknet Limited. (Filing Fee \$ 350.00, Receipt Number 647679)Document filed by Bridge Oil Ltd., Bridge Oile (UK) LTD..(jfe) (mbe). (Entered: 04/17/2008)
04/15/2008		SUMMONS ISSUED as to Hawknet Limited. (jfe) (Entered: 04/17/2008)
04/15/2008		Magistrate Judge Michael H. Dolinger is so designated. (jfe) (Entered: 04/17/2008)
04/15/2008		Case Designated ECF. (jfe) (Entered: 04/17/2008)

04/15/2008	<u>2</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Bridge Oil Ltd., Bridge Oile (UK) LTD..(jfe) (mbe). (Entered: 04/17/2008)
04/21/2008	<u>3</u>	ORDER APPOINTING PROCESS SERVER. Michael Watson or any other persons at least 18 years of age and not a party to this action, appointed by Blank Rome, LLP, be and hereby is, appointed to serve the Order Directing Clerk to Issue Process of Maritime Attachment and Garnishment, the Process of Maritime Attachment and any Supplemental Process, and a copy of the certified complaint on garnishees identified in the garnishment order issued by the Court and such additional garnishees as so permitted therein. (Signed by Judge Deborah A. Batts on 4/21/08) (dj) Modified on 5/7/2008 (dj). (Entered: 04/23/2008)
04/21/2008	<u>4</u>	EX PARTE ORDER FOR PROCESS OF MARITIME ATTACHMENT AND GARNISHMENT that Process of Attachment and Garnishment shall issue to the garnishees named in Schedule A hereto, against all tangible or intangible property belonging to, claimed by or being held for the Defendant by any garnishees within this District upon whom a copy of the Process of Maritime Attachment and Garnishment may be served, including but not limited to electronic fund transfers originated by, payable to, or otherwise for the benefit of Defendant, whether to or from the garnishee banks or any other electronic funds transfers, in an amount of the up to US\$792,253.28, pursuant to Rule B of the Supplement Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure; and, it is further ORDERED, that any person claiming an interest in the property attached or garnished pursuant to said Order shall, upon application to the Court, be entitled to a prompt hearing which the Plaintiff shall be required to show why the attachment and garnishment should not be vacated or other relief granted; and it is further ORDERED, that supplemental process specifying other or additional garnishees enforcing the Courts Order may be issued by the Clerk upon application without further Order of the Court; and it is further, ORDERED, that following initial service by the United States Marshal or other designated process serve upon each garnishee, supplemental service of the Process of Maritime Attachment and Garnishment, as well as this Order, may be made by way of facsimile transmission or e-mail and, it is further, ORDERED, that service on any garnishee as described above is deemed continuous throughout the day from the time of such service through the opening of the garnishees business the next business day and, it is further, ORDERED, that pursuant to Federal Rule of Civil Procedure 5(b)(2)(D) each garnishee may consent, in writing, to accept service by any other means; and it is further ORDERED, that a copy of this Order be attached to and served with the said Process of Maritime Attachment and Garnishment. SO ORDERED. (Signed by Judge Deborah A. Batts on 4/21/2008) (jmi) (Entered: 04/30/2008)

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<b>Billable Pages:</b>	2	<b>Cost:</b>	0.16

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# EXHIBIT

# C

ECF

**U.S. District Court**  
**United States District Court for the Southern District of New York (Foley Square)**  
**CIVIL DOCKET FOR CASE #: 1:08-cv-03743-DAB**

Stelios B Maritime CO., v. Hawknet L.T.D.,  
Assigned to: Judge Deborah A. Batts  
Cause: 09:1 U.S. Arbitration Act

Date Filed: 04/21/2008  
Jury Demand: None  
Nature of Suit: 120 Contract: Marine  
Jurisdiction: Federal Question

**Plaintiff****Stelios B Maritime CO.,**

represented by **George Nicholas Proios**  
Law Offices of George N. Proios,  
PLLC  
Herald Square Building  
1350 Broadway  
Suite 1507  
New York, NY 10018-7702  
(212) 279-8880  
Fax: 212-279-0670  
Email: gnp@gnproios.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant****Hawknet L.T.D.,**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
04/21/2008	<u>1</u>	COMPLAINT against Hawknet L.T.D.,. (Filing Fee \$ 350.00, Receipt Number 648674)Document filed by Stelios B Maritime CO.,.(jfe) (mbe). (Entered: 04/22/2008)
04/21/2008		SUMMONS ISSUED as to Hawknet L.T.D.,. (jfe) (Entered: 04/22/2008)
04/21/2008		Magistrate Judge Gabriel W. Gorenstein is so designated. (jfe) (Entered: 04/22/2008)
04/21/2008		Case Designated ECF. (jfe) (Entered: 04/22/2008)
04/21/2008	<u>2</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Stelios B Maritime CO.,.(jfe) (mbe). (Entered: 04/22/2008)

04/21/2008	<u>3</u>	EX PARTE ORDER FOR PROCESS OF MARITIME ATTACHMENT AND GARNISHMENT. Process of maritime attachment and garnishment shall issue against all tangible and intangible property of Defendant in this District, and if such property cannot be found, against other tangible or intangible property, credit and effects, claimed by or being held for the Defendant by any garnishees within this district, including the garnishees listed in Attachment (Citibank, Bank of America, Bank of NY, JP Morgan Chase Bank, HSBC (USA); Wachovia Bank; Barclay's Bank; Standard Chartered Bank; Deutsche Bank; Fortis Bank; UBS) to the process of maritime attachment and garnishment and/or any other garnishee(s) on whom a copy of the Ex Parte Order for Process of Attachment and Garnishment in an amount up to and including \$628,384 pursuant to Supplemental Admiralty Rule B; Any person claiming an interest in the property attached or garnished pursuant to said Order shall, upon application to the court, be entitled to a prompt hearing at which the Plaintiff shall be required to show cause why the attachment and garnishment should not be vacated or other relief granted. A copy of this Ex parte Order shall be attached to and served with said Process of Maritime Attachment and Garnishment (Signed by Judge Deborah A. Batts on 4/21/08) (djc) (Entered: 04/24/2008)
04/21/2008		MARITIME ATTACHMENT AND GARNISHMENT ISSUED as to Hawknet L.T.D., on 628,384.46 in the amount of \$628,384.46. (djc) (Entered: 05/02/2008)
04/24/2008	<u>4</u>	ORDER APPOINTING PERSON TO SERVE PROCESS; Gotham Process Services, 299 Broadway, New York, NY or its designate be and is hereby appointed to serve the Verified Complaint, Summons, Process of Maritime Attachment and Garnishment, and other process in this action close of the garnishee's business the next business day. (Signed by Judge Deborah A. Batts on 4/21/08) (djc) (Entered: 04/24/2008)

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# EXHIBIT

## D

ECF

**U.S. District Court**  
**United States District Court for the Southern District of New York (Foley Square)**  
**CIVIL DOCKET FOR CASE #: 1:08-cv-03747-GBD**

Kadmos Maritime v. Hawknet L.T.D.,  
Assigned to: Judge George B. Daniels  
Demand: \$200,000  
Cause: 28:1333 Admiralty

Date Filed: 04/21/2008  
Jury Demand: None  
Nature of Suit: 120 Contract: Marine  
Jurisdiction: Federal Question

**Plaintiff****Kadmos Maritime**

represented by **Lauren Cozzolino Davies**  
Tisdale Law Offices, LLC  
11 West 42nd Street  
Suite 900  
New York, NY 10036  
(212) 354-0025  
Fax: (212) 869-0067  
Email: ldavies@tisdale-law.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Thomas Leonard Tisdale**  
Tisdale Law Offices, LLC  
11 West 42nd Street  
Suite 900  
New York, NY 10036  
(212)354-0025  
Fax: (212)869-0067  
Email: ttisdale@tisdale-law.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant****Hawknet L.T.D.,**

Date Filed	#	Docket Text
04/21/2008	<u>1</u>	COMPLAINT against Hawknet L.T.D.,. (Filing Fee \$ 350.00, Receipt Number 648693)Document filed by Kadmos Maritime.(jfe) (Entered: 04/22/2008)

04/21/2008		SUMMONS ISSUED as to Hawknet L.T.D.,. (jfe) (Entered: 04/22/2008)
04/21/2008		Magistrate Judge Ronald L. Ellis is so designated. (jfe) (Entered: 04/22/2008)
04/21/2008		Case Designated ECF. (jfe) (Entered: 04/22/2008)
04/21/2008	<u>2</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Kadmos Maritime.(jfe) (Entered: 04/22/2008)
04/22/2008	<u>3</u>	EX PARTE ORDER FOR PROCESS OF MARITIME ATTACHMENT. Pursuant to Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims, the Clerk of the Court shall issue process of Maritime Attachment and Garnishment against all tangible or intangible property, credits, letters of credit, bills of lading, effects, debts and monies, electronic funds transfers, freights, sub-freights, charter hire, sub-charter hire or any other funds or property up to the amount of \$188,536.95 belonging to, due or being transferred to, from or for the benefit of the defendant, including but not limited to such property as may be held, received or transferred in Defendant's name or as may be held, received or transferred for its benefit at, moving through, or within the possession, custody or control of by any garnishees within this district, including but not limited to, ABN Amro, American Express Bank, Bank of America, Bank of NY, Citibank, Deutsche Bank, HSBC (USA) Bank, JP Morgan Chase, Standard Chartered Bank, Wachovia Bank, Barclays Bank, BNP Paribas, Bank of India, Bank of China, Calyon, Fortis Bank, INF, Societe Generale, and/or UBS AG. Supplemental process enforcing the Court's Order may be issued by the Clerk upon application without further order of the Court. (Signed by Judge George B. Daniels on 4/21/08) (dj) (Entered: 04/24/2008)
04/22/2008	<u>4</u>	ORDER APPOINTING SPECIAL PROCESS SERVER PURSUANT TO FRCP RULE 4(C). Thomas L. Tisdale, Claurisse A. Campanale-Orozco, Lauren C. Davies or any other partner, associate, paralegal or other agent of Tisdale Law Offices, LLC be and is hereby appointed to serve the Verified Complaint, Process of Maritime Attachment and Garnishment, Interrogatories and other process upon Defendant herein and upon the garnishee(s) listed in the Order, together with any other garnishee(s) who, based upon information developed subsequent hereto by Plaintiff, may hold assets for or on account of the Defendant. (Signed by Judge George B. Daniels on 4/21/08) (dj) (Entered: 04/24/2008)
04/24/2008	<u>5</u>	AFFIDAVIT of Thomas L. Tisdale in Support re: <u>3</u> Order Issuing Maritime Attachment and Garnishment,,,,,. Document filed by Kadmos Maritime. (Tisdale, Thomas) (Entered: 04/24/2008)
04/25/2008	<u>6</u>	ORDER FOR INITIAL PRETRIAL CONFERENCE:... Initial Conference set for 7/16/2008 at 09:30 AM in Courtroom 15D, 500 Pearl Street, New York, NY 10007 before Judge George B. Daniels. (Signed by Judge George B. Daniels on 4/24/08) (cd) (Entered: 04/25/2008)

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# EXHIBIT

# E

ECF

**U.S. District Court  
United States District Court for the Southern District of New York (Foley Square)  
CIVIL DOCKET FOR CASE #: 1:08-cv-03882-LAK**

CMC Europe AG v. Hawknet Ltd.  
Assigned to: Judge Lewis A. Kaplan  
Cause: 28:1333 Admiralty

Date Filed: 04/24/2008  
Jury Demand: None  
Nature of Suit: 120 Contract: Marine  
Jurisdiction: Federal Question

**Plaintiff****CMC Europe AG**

represented by **Armand M. Pare, Jr**  
Nourse & Bowles, LLP  
One Exchange Plaza  
55 Broadway  
New York, NY 10006  
(212) 952-6201  
Fax: (212) 952-0345  
Email: [jpore@nb-ny.com](mailto:jpore@nb-ny.com)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant****Hawknet Ltd.**

Date Filed	#	Docket Text
04/24/2008	<u>1</u>	COMPLAINT against Hawknet Ltd.. (Filing Fee \$ 350.00, Receipt Number 649022) Document filed by CMC Europe AG.(laq) (rdz). (Entered: 04/25/2008)
04/24/2008		SUMMONS ISSUED as to Hawknet Ltd. (laq) (Entered: 04/25/2008)
04/24/2008	<u>2</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying Commercial Metals Company as Corporate Parent. Document filed by CMC Europe AG.(laq) (rdz). (Entered: 04/25/2008)
04/24/2008		Magistrate Judge Frank Maas is so designated. (laq) (Entered: 04/25/2008)
04/24/2008		Case Designated ECF. (laq) (Entered: 04/25/2008)
04/24/2008	<u>3</u>	EX PARTE ORDER FOR PROCESS OF MARITIME ATTACHMENT, on April 24, 2008, Plaintiff, CMC Europe AG, filed a

		<p>Verified Complaint herein for damages amounting to \$648,692.66 inclusive of interest, costs and reasonable attorney's fees, and praying for the issuance of Process of Maritime Attachment and Garnishment pursuant to Rule B of the Supplemental Admiralty Rules for Certain Admiralty and Maritime Claims of the Federal Rules and Civil Procedure, it is hereby, ORDERED that Process of Maritime Attachment and Garnishment shall issue against all tangible or intangible property belonging to, claimed by or being held for the Defendant by any garnishees within this District, pursuant to Rule B of the Supplemental Rule for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure; and it is further ORDERED that that any person claiming an interest in the property attached or garnished pursuant to said Order shall, upon application to the Court, be entitled to a prompt hearing at which the Plaintiff shall be required to show why the attachment and garnishment should not vacated or other relief granted; and it is further, ORDERED, that supplemental process enforcing the Court's Order may be issued by the Clerk upon application without further Order of the Court; and it is further, ORDERED, that following initial service by the United States Marshal or other designated process server upon each garnishee, supplemental service of the Process of Maritime Attachment and Garnishment, as well as this Order, may be made by way of email or facsimile transmission to any garnishee that advises plaintiff that it consents to such services and deem such facsimile or email service as being accomplished within the district if it is transmitted from within the district; and it is further ORDERED that service on any garnishee as described above is deemed effective continuous service throughout the day from the time of such service through the opening of the garnishee's business the next business day; and it is further ORDERED that pursuant to Federal Rule of Civil Procedure 5(b)(2)(D) each garnishee may consent, in writing, to accept service by any other means; and it is further ORDERED, that a copy of this Order be attached to and served with the said Process of Maritime Attachment and Garnishment. (Signed by Judge Lewis A. Kaplan on 4/24/2008) (jmi) Modified on 5/7/2008 (jmi). (Entered: 04/29/2008)</p>
04/24/2008	<u>4</u>	<p>EX PARTE ORDER APPOINTING PROCESS SERVER, that Karlene Jackson, or any partner, associate, paralegal of Nourse &amp; Bowles, LLP or licensed process server who is over 18 years of age and is not a party to this action, be and hereby is, appointed to serve Process of Maritime Attachment and Garnishment, supplemental process and copy of the Verified Complaint in the above-entitled action. (Signed by Judge Lewis A. Kaplan on 4/24/2008) (jmi) (Entered: 04/29/2008)</p>
04/24/2008		<p>MARITIME ATTACHMENT AND GARNISHMENT ISSUED as to Hawknet Ltd. on 4/24/08 in the amount of \$648,692.66. (djc) (Entered: 05/02/2008)</p>

<b>PACER Service Center</b>
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<b>Transaction Receipt</b>
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